



— DALLAS & PUERTO RICO —

July 6, 2016

Hon. J. Paul Oetkin
Room 2101
40 Foley Square
New York, NY 10007

RE:

Case No.1:16-cv-05176-JPO; U.S. District Court -Southern District of New York;
Beaufort Capital Parnters, LLC vs. Oxysure Therapeutics, Inc.

Dear Judge Oetkin:

We write to request clarification of the Court's recent order instructing Plaintiff to plead federal jurisdiction on pain of remand. Oxysure has clarified its own pleading of federal jurisdiction in its Amended Notice of Removal filed on July 6, 2016. As the Defendant, Oxysure removed the matter because Oxysure contends complete diversity exists between the parties and Oxysure chooses to avail itself of the federal forum. While we are fairly certain that there is only a single member of the Plaintiff (an LLC), and he is a New York citizen (as our Amended Notice of Removal alleges), we are concerned that Plaintiff may strategically shirk its burden of pleading federal jurisdiction as a means of guaranteeing a return to state court. Such a result would prejudice and burden Oxysure's rights as the removing Defendant, not the Plaintiff's.

Accordingly, and to avoid a prejudicial outcome, we respectfully request that the Court clarify its Order to Plaintiff and order Plaintiff perhaps to "Plead the citizenship of each member of the limited liability company," in order to avoid such a result, or in the alternative, prior to remanding the case, to permit Defendant to conduct limited discovery into the citizenship of the LLC and then to amend its notice of removal accordingly thereafter.

Sincerely,

/s/ Mazin Sbaiti

MAZIN SBAITI

cc: Mr. Adam David Cole
Chipman Brown Cicero & Cole, LLP
501 Fifth Avenue, 15th Floor
New York, New York 10017
Email: cole@chipmanbrown.com

Via Email and ECF

— FFLAWOFFICE.COM —